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EXPERIENCE OF FIGHTING ORGANIZED CRIME IN FRANCE

Definitions of organized crime, as given by the European Union and the United Nations, agree on several points. It is the work of a “structured group existing for a period of time and acting with the aim of committing crimes in order to obtain a financial or other material benefit”. Organized crime is a transnational issue and covers all major areas of trafficking: drugs, human beings, arms, stolen vehicles, and wild animals and plants, etc. It is closely tied to corruption and money-laundering.

With the increased mobility of persons, goods and capital, organized crime has changed considerably and draws on new technologies, not only for the purposes of money-laundering but also in order to strengthen its existing activities and create new ones (e.g. cybercrime).

Thus, combating organized crime is a major challenge for the international community. Alongside terrorism, it now represents the largest non-military threat to internal security and international economic stability.

Although it is by definition difficult to assess, the overall proceeds of organized crime probably total around €1 trillion per year. In a context where criminality respects no national border or sovereignty, it is vital to have a comprehensive approach to fighting crime and strengthening international cooperation, particularly between judicial bodies and law enforcement agencies.

France therefore plays an active role in multilateral forums dealing with these issues, working to ensure the coherence and effectiveness of the different forums.

At national level France’s legal arsenal was strengthened with the adoption of the “Perben II” Act (Act 2004-204 of 9 March, 2004) adapting the justice system to developments in crime. This Act strengthened existing provisions for the fight against organized crime, including by providing additional investigative resources.

At European level, France proposes enhanced security cooperation through the creation of common investigative teams and Police and Customs Cooperation Centres (CCPD).

As a major partner in the construction of a common space of security, freedom and justice, France has also participated actively in the development of Europol, which was created in 1999 and is based in The Hague. Europol’s role is to facilitate information exchanges between Member States, as well as carrying out criminal analysis and assessing threats. Alongside its judicial sector counterpart, Eurojust

(created in 2002 and also based in The Hague), it is a keystone in Europe's arsenal to combat transnational organized crime.

Within the United Nations and the G7 France participates in the work of various international forums, the United Nations being at the forefront. France played a very active role in negotiating a Convention against Transnational Organized Crime (Palermo Convention), with Protocols against trafficking in persons, smuggling of migrants and trafficking in firearms. Those first three instruments were signed by France upon their opening for signature on 12 December, 2000 in Palermo. France ratified them on 29 October, 2002.

The Palermo Convention contributes to the three following areas: drafting of universal definitions for certain fundamental notions of criminal law in the area of combating organized crime ("organized criminal group", "serious crime", "proceeds of crime", etc.); approximation of criminal laws, by requiring States to criminalize participation in organized criminal groups, money-laundering, obstruction of justice, and corruption; development of international judicial cooperation, by creating mutual legal assistance and extradition procedures in a universal framework. Specific provisions are also included to ensure traceability of dirty money and the seizure and confiscation of criminal assets.

Like the Convention, the Protocols thereto are above all law enforcement instruments. The Protocol to Prevent, Suppress and Punish Trafficking in Persons requires States to introduce offences to their criminal law enabling prosecution of organized criminal groups engaging in trafficking. It contains a wide definition of human trafficking that encompasses sexual exploitation, forced labour, slavery, servitude and removal of organs.

The Protocol against the Smuggling of Migrants by Land, Sea and Air requires States to prosecute smugglers who procure the illegal entry of immigrants, as well as those enabling their illegal stay in the host territory. Protocol against the Illicit Manufacturing of and Trafficking in Firearms introduced provisions similar to those of the Protocols against trafficking in persons and smuggling of migrants.

France is in the process of adjusting its national law so as to be able to ratify it.

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